

AN ORDINANCE 101321

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lots 4, 5, and 6, NCB 11886 from "R-5" Residential Single-Family District to PUD "R-5" Planned Unit Development Residential Single-Family District.

SECTION 2. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective September 4, 2005.

PASSED AND APPROVED this 25th day of August, 2005.

ATTEST: *Lucia M. Vacca*
City Clerk

Phil Hardberger
M A Y O R
PHIL HARDBERGER

APPROVED AS TO FORM: *[Signature]*
City Attorney

Agenda Voting Results

Name: Z-20

Date: 08/25/05

Time: 04:00:22 PM

Vote Type: Multiple selection

Description: Z-20. ZONING CASE #Z2005109 (District 9): An Ordinance changing the zoning district boundary on Lots 4, 5, and 6, NCB 11886, from "R-5" Residential Single-Family District to PUD "R-5" Planned Unit Development Residential Single-Family District, 321, 329 and 339 East Sunset Road, as requested by Regent Communities Partners, L. P., Applicant, for Paula Moore, John Eiler, Hart Interests, L. P. and Douglas Hart, Owner(s). Staff has recommended approval and Zoning Commission has recommended approval.

Voter	Group	Status	Yes	No	Abstain
ROGER O. FLORES	DISTRICT 1		x		
SHEILA D. MCNEIL	DISTRICT 2		x		
ROLAND GUTIERREZ	DISTRICT 3		x		
RICHARD PEREZ	DISTRICT 4		x		
PATTI RADLE	DISTRICT 5		x		
DELICIA HERRERA	DISTRICT 6		x		
ELENA K. GUAJARDO	DISTRICT 7		x		
ART A. HALL	DISTRICT 8		x		
KEVIN A. WOLFF	DISTRICT 9		x		
CHIP HAASS	DISTRICT_10		x		
MAYOR PHIL HARDBERGER	MAYOR		x		

CASE NO: Z2005109

Staff and Zoning Commission Recommendation - City Council

Date: August 25, 2005

Zoning Commission Meeting Date: August 02, 2005

Council District: 9

Ferguson Map: 583 C1

Applicant:

Owner:

Regent Communities Partners, L. P.

Paula Moore, John Eiler, Hart Interests, L. P. and
Douglas Hart

Zoning Request: From "R-5" Residential Single-Family District to PUD "R-5" Planned Unit
Development Residential Single-Family District

Lots 4, 5, and 6, NCB 11886

Property Location: 321, 329 and 339 East Sunset Road

West of the intersection of North New Braunfels Avenue and East Sunset
Road

Proposal: To provide flexibility for the design and development of a private residential
subdivision

**Neighborhood
Association:** Oak Park/Northwood Neighborhood Association

Neighborhood Plan: Northeast Inner Loop Neighborhood Plan

TIA Statement: A Traffic Impact Analysis is not required.

Staff Recommendation:
Consistent

The request conforms to the land use plan.

Approval

Currently there are three residential units located on the subject property. The properties to the north, west, and south are single-family residential units, while the properties to the east are multi-family units. PUD R-5 would serve as a transition between the multi-family development to the east and the single-family residential to the west. Higher density developments are encouraged within the 410 loop.

The requested zoning district would limit the density to 6 units per acre. The density permitted in PUD "R-5" is less than the current zoning.

Zoning Commission Recommendation:

Approval

VOTE

FOR 11

AGAINST 0

ABSTAIN 0

RECUSAL 0

CASE MANAGER : Robin Stover 207-7945

Z2005109

ZONING CASE NO. Z2005109 – August 2, 2005

Applicant: Regent Communities Partners, L. P.

Zoning Request: "R-5" Residential Single Family District to PUD "MF-25" Planned Unit Development Multi Family District with a limit of 10 units per acre.

Chad Kerry, 900 Isom Road, representing the applicant, stated they are still working with the neighborhood in addressing their concerns therefore he would like to request a continuance for two weeks. He stated if no agreement has been made at the end of the two-week request he will not pursue the case.

OPPOSE

Frank Guerra, 2 Court Circle, representing the neighborhood, stated they are in opposition of this request. He stated he has collected a petition with 53 signatures from the residents expressing their opposition.

Donald Hardy, 328 E. Sunset, stated he would like to express his opposition. He stated they have met repeatedly with Mr. Kerry, which he feels these meetings have been very productive. He feels Mr. Kerry's request is in appropriate for this area.

John Clamp, stated on behalf of the Oak Park/Northwood Neighborhood Association he feels there has been some miscommunication due to their president being out ill. He stated they would support the Mr. Kerry's request for a continuance to further discuss their proposal.

Jesse Perez, 215 E. Sunset, stated he does not support Mr. Kerry's proposal. He stated he would like to maintain the conservative residential character of the neighborhood. He feels the proposed development would have a negative impact on their community.

Jim Stoker, 227 E. Sunset, stated he has lived in the neighborhood for 38 years now and enjoys the large lots, big trees and unique style. He feels Mr. Kerry's proposal would ruin that character. He does not support this development.

Nicole Grant, 11 Court Circle, stated she is also in opposition of this request.

Adrian Cavallini, 216 E. Sunset, stated he recently built his home and feels Mr. Kerry's proposal would destroy the character of the neighborhood.

Z2005109

William Wallace, 251 E. Sunset, stated has lived in the neighborhood for 41 years. He stated he would like to retain the large lot character. He stated Mr. Kerry's request would not be consistent with the existing character of the neighborhood therefore he would like to express his opposition of this proposal.

Louis Kissling, 219 E. Sunset, stated he would also like to express his opposition. He stated the proposed development would be an encroachment to the existing neighborhood. The density would be too high and is incompatible with the neighborhood.

Mr. John Campbell yield his time to Mr. John Clamp

John Clamp, stated Oak Park/Northwood Neighborhood Association is going under a rezoning effort for the entire neighborhood. He stated he is working with Development Services staff regarding this matter.

REBUTTAL

Chad Kerry, stated there are still several issues he feels need to be address before pursuing this request. He stated he if no agreement is reached by the two-week period he is agreeable in withdrawing his request.

Staff stated there were 37 notices mailed out to the surrounding property owners, 16 returned in opposition and 6 returned in favor and no response from Oak Park/Northwood Neighborhood Association. Staff has received 7 notices expressing their support.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

COMMISSION ACTION

The motion was made by Commissioner McAden and seconded by Commissioner Kissling to recommend a continuance until August 2, 2005.

1. Property is located on Lots 4 thru 6, NCB 11886 at 321, 329 and 339 East Sunset Road.
2. There were 37 notices mailed, 16 returned in opposition and 6 in favor.
3. Staff recommends approval.

AYES: Martinez, Robbins, Rodriguez, Kissling, Farias, Dixon, McAden, Avila, Stribling, Gray

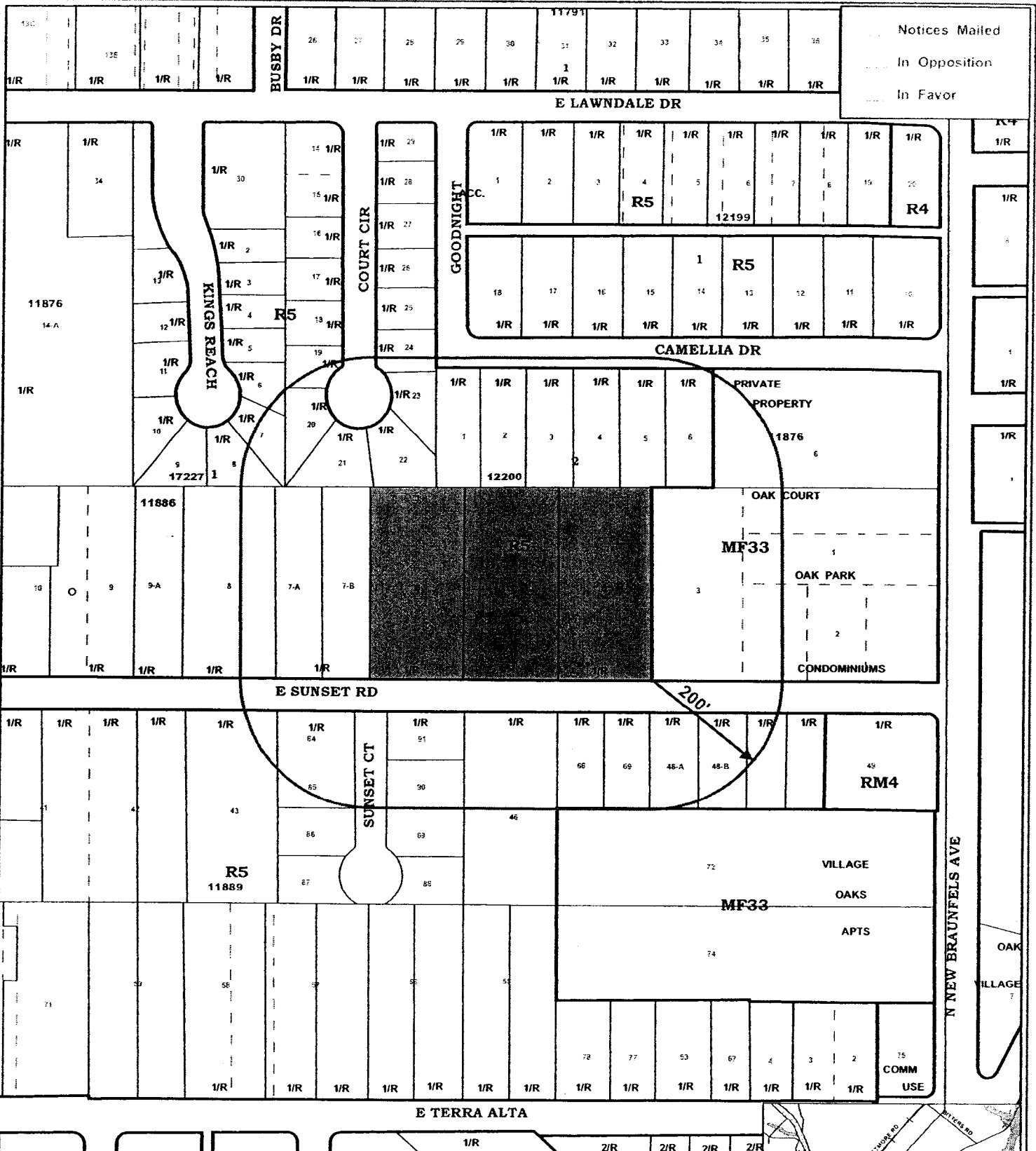
NAYS: None

Z2005109

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

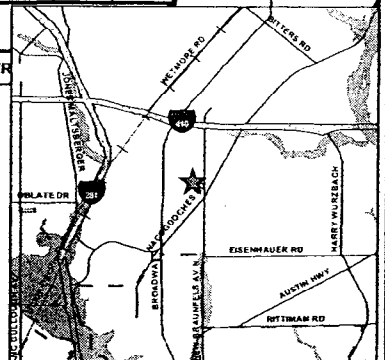
To be provided at Council hearing.



ZONING CASE: Z2005-109

City Council District NO. 9
 Requested Zoning Change
 From: R-5 To PUD R-5
 Date: August 25, 2005
 Scale: 1" = 200'

Subject Property
 200' Notification



MEMORANDUM

TO: City Councilman Kevin Wolff

FROM: Dr. Dorothy Callihan
241 E. Sunset
San Antonio, Texas 78209

Dear Kevin:

I would like to register my objection to Zoning Case # Z2005109. Specifically, I feel that this project will significantly lower the value of my home, raise my taxes, and adversely affect drainage issues on my street. I also believe that the density is too high for the acreage on this project. In addition, I would like to voice my objection to that fact that I did not receive proper notification of this zoning change.

I am unable to attend to speak in opposition of this project, so please accept this memorandum as part of today's City Council meeting record.